
TITLE 312 NATURAL RESOURCES COMMISSION

Economic Impact Statement
LSA Document #17-262

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to This Rule:

Fifty (50) businesses (total) that may be impacted by changes to [312 IAC 9-8-1](#) governing commercial fishing, roe harvesters, and roe dealers.

Twenty-five (25) businesses that may be impacted by the changes to [312 IAC 9-8-2](#) governing commercial fishing on inland water.

Twenty (20) businesses that may be impacted by the changes to [312 IAC 9-8-6](#) governing commercial fishing on the Ohio River.

Five (5) businesses that may be impacted by the changes to [312 IAC 9-8-7](#) and [312 IAC 9-8-8](#) governing roe harvesters and roe dealers licenses.

Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Small Businesses Will Incur For Compliance:

\$20/month, totaling \$200 a year for additional reporting requirements.

Estimated Total Annual Economic Impact on Small Businesses To Comply:

\$200 per year per commercial fishing business (both Ohio River and inland water).

Justification Statement of Requirement or Cost:

The sale of commercial fishing licenses, both for inland water and the Ohio River, are not expected to change as the result of these rule changes. The only new costs are for tagging/labeling of unattended fish-holding baskets, live boxes, live nets, and other structures in which aquatic life is contained and left unattended. However, they can make their own labels/tags at minimal costs; they do not have to purchase them (they can be handwritten on paper). The equipment that is authorized is already currently allowed and consistent with current terminology for the nets used. There may be some additional time needed to fill out the monthly report forms to complete the required information, but the forms already have this information. The additional changes in [312 IAC 9-8-6](#) and [312 IAC 9-8-7](#) are to provide clarification of requirements for harvesting shovelnose sturgeon and paddlefish and add record keeping requirements in order to help monitor these fisheries populations to ensure their continued survival. They can still harvest and sell the same number of fish and the season dates for harvesting and selling paddlefish and shovelnose sturgeon remain the same. The only alternative is to keep requirements the same, but that will continue to lead to questions and the inability to enforce reporting requirements and the waters where commercial fishing gear can legally be used.

Regulatory Flexibility Analysis of Alternative Methods:

The Department of Natural Resources (DNR) has the statutory requirement to provide for the protection, reproduction, care, management, survival, and regulation of wild animal populations in [IC 14-22-2-3](#). Furthermore, the DNR has the statutory authority to allow the taking, possession, and sale of wild animals and to establish the methods, locations, and means of taking wild animals, including fish, in [IC 14-22-2-6](#). The Natural Resources Commission has the statutory authority to adopt rules pursuant to [IC 14-10-2-4](#). The definition of wild animal in [IC 14-8-2-318](#) includes fish.

There are no market-oriented approaches needed or available for the effects on businesses as a result of the rule changes. The only alternative is to keep requirements the same, but that will continue to lead to questions from commercial fishing license holders about locations where commercial fishing gear can be used in the Ohio River and the inability to enforce reporting requirements.

The DNR believes the amendments proposed are the least restrictive means to achieve the desired outcome or providing commercial fishing opportunities while protecting fisheries populations.

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